THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.83 OF 2000

ORAL ORDER:

This Writ petition is filed seeking a declaration that the show cause notice dated 12.12.1999 under Section 7 and the order of eviction dated 29.12.1999 passed under Section 6 of the Land Encroachment Act, 1905 (for short "the Act"), alleging that Ac.0.14 cent of land situated in Sy.No.1114 of Manavalli village was encroached upon by the petitioner, as arbitrary and illegal.

It is primarily contended by the petitioner that the show cause notice under Section 7 of the Act as well as the impugned order of eviction dated 29.12.1999 passed under Section 6 of the Act were served on him on the same day i.e., on 29.12.1999, and as such, the impugned order of eviction was in violation of the principles of natural justice.

The impugned order of eviction was stayed by this Court on 5.1.2000 in W.P.M.P.No.91 of 2000, and the said order continued to be in operation throughout.

Having heard the learned counsel for both the parties and having perused the counter filed on behalf of the respondents and other material available on record, which shows that before passing the impugned order of eviction no explanation was received from the petitioner, I deem it appropriate to provide an opportunity to the petitioner to raise his objections against the proposed action under the provisions of the Act.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to submit his representation explaining the allegation that he is in unauthorized occupation of the land in question within a period of four weeks from the date of receipt of a copy of this order. On receipt of such explanation, the respondents shall consider the same and pass appropriate orders following due process of law.

Accordingly, the impugned order of eviction dated 29.12.1999 is set aside and the writ petition is disposed of with the above direction. No costs.

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(G. ROHINI, J.)

17th September, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.83 OF 2000

17th September, 2007.

Between:

Polani Tilak Kumar. .. Petitioner.

And

Sub Collector, Gudur,
Nellore District and another. .. Respondents.